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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,395	07/27/2000	Richard E. Sklar	071815/0477	1193

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EXAMINER
GRANT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
2611	5

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/627,395	Applicant(s) SKLAR ET AL.	
	Examiner Christopher Grant	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-19 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Reissue Applications

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Although Applicant have provided a letter offering to surrender the patent, an original ribboned copy of the patent has not been surrendered. See MPEP 1416.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

(a) The declaration does not state that the inventors are joint inventor of the invention as required by 37 CFR 1.63(a) (4).

(b) The declaration lacks the statement "**reviewing and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration**" as required by 37 CFR 1.63 (b) (1).

(c) The declaration must state that "**all errors being corrected in the re-issue application up to the time of the filing of the oath or declaration arose without any deceptive intention on the part of the applicant**" (37 CFR 1.175 (a) (2)).

3. Claims 1-19 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the Declaration is set forth in the discussion above in this Office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polivka et al. (Polivka) and Rabowsky et al. (Rabowsky).

Considering claims 15, 17 and 19, Polivka discloses a satellite television system and corresponding method that provides television programming in real time to passengers on an aircraft (see figure 3A) derived from at least one satellite comprising the following:

a) a steerable antenna (265, 266) (figures 3A or 6) comprising steering means (433, 432), see col. 12, lines 17-41;

b) an antenna controller (270, 291) for providing control signals to the antenna (col. 8, lines 29-48, col. 9, lines 40-63 and col. 12, lines 17-41) and for downconverting encoded RF signals to provide downconverted RF signals; and

c) receiver/decoder (280) (figure 3A).

Polivka fails to specifically disclose a video and audio signal distribution system for distributing video and audio signals to passengers on the aircraft as recited in the claims.

Rabowsky discloses an entertainment system in an aircraft comprising a distribution system (22) (fig. 1) for distributing video and audio signals to passengers. Rabowsky's system facilitates the transmission of a large number of audio/video signals that is adaptable for expansion, promotes less wiring and minimizes the expense because of fewer component parts in an aircraft. See col. figures 1-4 and col. 6, lines 21-38.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Polivka's system to include a video and audio distribution system for distributing video and audio signals to passengers, as taught by Rabowsky, for the advantages of facilitating the transmission of a large number of video and audio signals to passengers with the benefit of less wiring and minimum expense.

Claim 18 is met by the combined systems of Polivka and Rabowsky, wherein Polivka discloses that the antenna controller processes status signals derived from the steerable antenna to steer the steerable antenna in col. 8, lines 29-48, col. 9, lines 40-63 and col. 12, lines 17-41.

6. Claims 1-2, 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polivka and Rabowsky as applied to claim 15 above, and further in view of Muhlhauser et al. (Muhlhauser).

Considering claim 16, the combined systems of Polivka and Rabowsky fail to specifically disclose left hand and right hand circularly polarized signals as recited in the claim.

Muhlhauser discloses a satellite receiver system comprising an antenna for receiving both left and right handed circular polarized RF signals. The advantages of Muhlhauser's system are that it is small in size, cost effective and has the ability to receive signals from different satellite systems (i.e. left hand circular polarized satellite systems as well as right hand circular polarized satellite systems). See col. 2, line 58 - col. 4, line 34 and figures 9A-9E.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems Polivka and Rabowsky to include left and right hand circularly polarized RF signals, as taught by Muhlhauser, for the advantage of providing a system having the ability to receive RF signals from circularly polarized satellite transmission systems.

Claim 1 is rejected for the same reasons given above in the rejection of claim 16, wherein the additionally claimed "and for feeding back the status signals to the antenna control means which are used to steer the antenna to lock it onto the RF signals received form the satellite" is met by Polivka's receiver (280K) (col. 9, lines 40-63).

Claim 2 is met by the combined systems of Polivka, Rabowsky and Muhlhauser, wherein the antenna controller is met by Polivak's controller (270, 291) and the antenna interface is met by Muhlhauser's circuit that receives and processes the left and right handed circular polarized signals.

Considering claim 5, the combined systems of Polivka, Rabowsky and Muhlhauser fail to specifically disclose, a mother board, receiver/decoder card, a computer processor, a rotary switch and flash disk as recited in the claim.

However, a mother board, receiver/decoder card, a computer processor, a rotary switch and flash disk are routine devices found in DBS or DSS receivers for the purposes of holding

components, receiving, processing, selecting and storing video and audio signals transmitted from satellite(s). Any standard video receiver must have a mother board for holding components, a receiver/decoder card for receiving and decoding signals, a processor for processing signals, a switch mechanism for making channel/program selections and a memory device for storing instructions and/or received video information.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Polivka, Rabowsky and Muhlhauser to include a mother board, receiver/decoder card, a computer processor, a rotary switch and flash disk for the advantages of holding components, receiving, processing, making channel/program selections and storing video programs transmitted from satellite(s).

7. Claims 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polivka, Rabowsky, Muhlhauser and Pease et al. (Pease).

Considering claim 6, Polivka discloses a satellite television system that provides a single channel of live television programming to passengers on an aircraft (see figure 3A) derived from satellites comprising the following:

a) an antenna (265, 266) (figures 3A or 6) comprising steering means (433, 432), see col. 12, lines 17-41;

b) an antenna control means (270, 291) for providing control signals to the antenna (col. 8, lines 29-48, col. 9, lines 40-63 and col. 12, lines 17-41) and for downconverting encoded RF signals to provide downconverted RF signals; and

c) receiver/decoder (280) (figure 3A).

Polivka fails to specifically disclose (1) a video and audio signal distribution system for distributing video and audio signals to passengers on the aircraft (2) left hand and right hand circularly polarized signals and (3) overhead monitors mounted throughout the aircraft as recited in the claim.

Rabowsky discloses an entertainment system in an aircraft comprising a distribution system (22) (fig. 1) for distributing video and audio signals to passengers. Rabowsky's system facilitates the transmission of a large number of audio/video signals that is adaptable for expansion, promotes less wiring and minimizes the expense because of fewer component parts in an aircraft. See col. figures 1-4 and col. 6, lines 21-38.

Muhlhauser discloses a satellite receiver system comprising an antenna for receiving both left and right handed circular polarized RF signals. The advantages of Muhlhauser's system are that it is small in size, cost effective and has the ability to receive signals from different satellite systems (i.e. left hand circular polarized satellite systems as well as right hand circular polarized satellite systems). See col. 2, line 58 - col. 4, line 34 and figures 9A-9E.

Pease discloses overhead monitors mounted throughout the aircraft for the purpose of providing entertainment to passengers in a safe and comfortable manner. See col. 1, line 8 - col. 2, line 15.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Polivka's system to include a video and audio distribution system for distributing video and audio signals to passengers, as taught by Rabowsky, for the advantages of facilitating the transmission of a large number of video and audio signals to passengers with the benefit of less wiring and minimum expense.

Further, it would have been obvious to one of ordinary skill in the art to modify the combined systems Polivka and Rabowsky to include left and right hand circularly polarized RF signals, as taught by Muhlhauser, for the advantage of providing a system having the ability to receive RF signals from circularly polarized satellite transmission systems.

Additionally, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Polivka, Rabowsky and Muhlhauser to include overhead monitors mounted throughout the aircraft, as taught by Pease, for the advantage of providing entertainment to passengers on an aircraft in a safe and comfortable manner.

Claim 7 is met by the combined systems of Polivka, Rabowsky, Muhlhauser and Pease, wherein the antenna controller is met by Polivka's controller (270) and the antenna interface is inherently met by Muhlhauser's circuit that receives and demodulates the left and right handed circular polarized signals.

Considering claim 10, the combined systems of Polivka, Rabowsky, Muhlhauser and Pease fail to specifically disclose, a mother board, receiver/decoder card, a computer processor, a rotary switch and flash disk as recited in the claim.

However, a mother board, receiver/decoder card, a computer processor, a rotary switch and flash disk are routine devices found in DBS or DSS receivers for the purposes of holding components, receiving, processing, selecting and storing video and audio signals transmitted from satellite(s). Any standard video receiver must have a mother board for holding components, a receiver/decoder card for receiving and decoding signals, a processor for

processing signals, a switch mechanism for making channel/program selections and a memory device for storing instructions and/or received video information.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Polivka, Rabowsky, Muhlhauser and Pease to include a mother board, receiver/decoder card, a computer processor, a rotary switch and flash disk for the advantages of holding components, receiving, processing, making channel/program selections and storing video programs transmitted from satellite(s).

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Grant whose telephone number is (703) 305 4755. The examiner can normally be reached on Monday-Friday 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9314 for regular communications and (703) 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Christopher Grant
Primary Examiner
Art Unit 2611

CG
June 24, 2003